## Case 2:20-cv-00662-JDP Document 32 Filed 02/15/23 Page 1 of 3

- 1			
1	PHILLIP A. TALBERT		
	United States Attorney		
2	MATHEW W. PILE, WSBA No. 32245		
3	Associate General Counsel		
٥	Office of Program Litigation, Office 7		
4	Social Security Administration		
	MARCELO ILLARMO (MABN 670079)		
5	Special Assistant United States Attorney		
6	Office of the General Counsel		
	Social Security Administration		
7	6401 Security Boulevard		
	Baltimore, Maryland 21235		
8	Telephone: (510) 970-4822		
9	Email: Marcelo.Illarmo@ssa.gov		
	Attorneys for Defendant		
10	LIMITED CO		DIGEDICE COLUMN
11	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA		
1	EASTERN D	13 I KIC	LI OF CALIFORNIA
12	CAROLINE LEE,	)	Case No. 2:20-cv-00662-JDP
13	or a to but to but to	)	C M D
13	Plaintiff	)	STIPULATION AND PROPOSED
14		)	ORDER FOR AWARD OF ATTORNEY'S
	v.	)	FEES UNDER THE EQUAL ACCESS TO
15		)	JUSTICE ACT (EAJA)
16	KILOLO KIJAKAZI,	)	
	Acting Commissioner of Social Security,	)	
17		)	
	Defendant	)	
18		)	
19		)	
	ALL TO THE PERSON CHARACTER TO THE		
20	TT IS HEREBY STIPULATED by	and bety	ween the parties through their undersigned counse

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of six thousand six hundred sixteen dollars and twenty-five cents (\$6,616.25) and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d). Accordingly, should this Court award fees and expenses under EAJA pursuant to this stipulation, Plaintiff's motion for attorney fees (ECF 29) would be moot.

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of any assignment of EAJA fees by Plaintiff to his counsel Jesse Kaplan (Counsel). Pursuant

Stip. and Prop. Order for Fees

E.D. Cal. 2:20-cv-00662-JDP

## Case 2:20-cv-00662-JDP Document 32 Filed 02/15/23 Page 2 of 3

to Astrue v. Ratliff, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor 1 the assignment will depend on whether the fees are subject to any offset allowed under the United 2 States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the 3 government will determine whether they are subject to any offset. 4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that 5 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses 6 and costs to be made directly to Counsel pursuant to an assignment executed by Plaintiff. Any 7 payments made shall be delivered to Counsel. 8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or 9 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any 10 and all claims that Plaintiff and/or Counsel, including his firm, may have relating to EAJA attorney 11 fees in connection with this action. 12 This award is without prejudice to the rights of Counsel to seek Social Security Act attorney 13 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA. 14 15 Respectfully submitted, 16 17 Dated: February 13, 2023 18 By: /s/ Jesse Kaplan\* JESSE KAPLAN 19 \*By email authorization on 2/9/23 20 Attorney for Plaintiff 21 Dated: February 13, 2023 PHILLIP A. TALBERT 22 **United States Attorney** 23 By: /s/ Marcelo Illarmo 24 MARCELO ILLARMO Special Assistant United States Attorney 25 26 27

Stip. and Prop. Order for Fees

28

E.D. Cal. 2:20-cv-00662-JDP

## Case 2:20-cv-00662-JDP Document 32 Filed 02/15/23 Page 3 of 3

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses, IT IS ORDERED that fees and expenses in the amount of \$6,616.25 as authorized by 28 U.S.C. § 2412, and no costs as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation. Furthermore, Plaintiff's motion for attorney fees (ECF 29) is denied as moot. IT IS SO ORDERED. Dated: February 14, 2023 JEREMY D. PETERSON UNITED STATES MAGISTRATE JUDGE 

Stip. and Prop. Order for Fees

E.D. Cal. 2:20-cv-00662-JDP